

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF CALIFORNIA

FILED

SEP 20 2006

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY ME
SEP 20 2006

PRETRIAL SERVICES VIOLATION PETITION

The United States,

-VS-

Randall Gath

Docket No. 2:04-CR-00389 MCE

COMES NOW Steven J. Sheehan, Pretrial Services Officer of the Court, presenting an official report upon the conduct and attitude of Randall Gath, who was placed on bond by the Honorable Peter A. Nowinski, U.S. Magistrate Judge, sitting in Sacramento, California, on the 15th day of November, 2004, who imposed the general terms and conditions of pretrial supervision theretofore adopted by the Court and also imposed special terms and conditions as follows:

OFFENSE: 21 U.S.C. 846 - Conspiracy to Possess with Intent to Distribute a Controlled Substance.

BOND CONDITIONS: The defendant was released on a \$50,000 bond, secured by his property in Magalia, California, with Pretrial Services supervision and special conditions of release. Please see page 2.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:
According to Scientific Testing Laboratories (STL), Mr. Gath submitted urine samples on July 11, August 22, and September 5, 2006, which tested positive for methamphetamine/amphetamine, a controlled substance. When questioned about the positive drug tests, Mr. Gath has adamantly denied methamphetamine use.

PRAYING THAT THE COURT WILL ORDER a bail violation hearing be calendered at 2:00 p.m. on Wednesday, September 20, 2006. All parties are available to appear before the Court on the proposed date.

LAST KNOWN ADDRESS: On file with Pretrial Services

TELEPHONE NUMBER: On file with Pretrial Services

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

/s/ Steven J. Sheehan

Steven J. Sheehan
Pretrial Services Officer
September 19, 2006

ORDER

2 The Court hereby orders a bench warrant be issued for the arrest of said defendant, bail set at \$ No bail

_____ The Court hereby orders this ex parte motion and order be sealed.

_____ The Court orders a summons be issued with an appearance date of _____.

_____ The Court hereby orders this matter placed on this court's calendar on Wednesday, September 20, 2006, at 2:00 p.m., and orders the Pretrial Services Officer to contact the defendant and/or attorney of record to advise them of said order.

_____ The Court orders no action be taken.

Considered and ordered this 20th day of
Sept., 2006, and ordered filed and
made a part of the records in the above case.

GREGORY G. HOLLOWS
Gregory G. Hollows, U.S. Magistrate Judge

Pretrial Services Violation Petition - page 2

Gath, Randall

SPECIAL CONDITIONS OF RELEASE:

1. You shall report to and comply with the rules and regulations of the Pretrial Services Agency;
2. Your travel is restricted to the Eastern District of California without the prior consent of the pretrial services officer;
3. You shall not possess a firearm, destructive device, or other dangerous weapon; additionally, you shall provide written proof of divestment of all firearms currently under your control;
4. You shall refrain from excessive use of alcohol or any use of a narcotic drug or other controlled substance without a prescription by a licensed medical practitioner; and you shall notify Pretrial Services immediately of any prescribed medication(s). However, medicinal marijuana, prescribed or not, may not be used;
5. You shall submit to drug or alcohol testing as approved by the pretrial services officer;
6. You shall participate in the Tri-County Treatment Residential Program of medical and psychiatric treatment for drug or alcohol dependency, as approved by the Pretrial Services Officer; and,
7. You are released to the third-party custody of the Tri-County Treatment Residential Program; an agent of the Tri-County Treatment Program will transport you from the Sacramento County Jail to the treatment facility.
 - A. You shall reside at and participate in the Tri-County Treatment Residential Program as directed by program staff; and shall be restricted to the facility except in the case of a medical emergency, court appearances, or otherwise authorized by Pretrial Services;
 - B. You shall be financially responsible for the cost of your residential placement as directed by the Pretrial Services Officer.

CHRONOLOGY OF EVENTS: On November 15, 2004, upon agreement between all parties and via a Stipulation and Order, The Honorable Peter A. Nowinski, U.S. Magistrate Judge, ordered that the defendant be released from custody on a \$50,000 collateral bond. Mr. Gath was ordered to participate in residential substance abuse treatment to address nearly 20 years of methamphetamine abuse. On January 15, 2005, Mr. Gath completed the Tri-County Treatment Program and he was released to his residence in Magalia. Between July and September of 2006, the defendant submitted three positive drug tests for methamphetamine.

When confronted as to the positive drug tests, the defendant adamantly denied using methamphetamine and stated his belief that a medical condition is to blame for the positive test results. Pretrial Services consulted with STL and a drug counselor and learned there is no evidence of a medical condition which would cause a positive drug test for methamphetamine. Mr. Gath admitted to Pretrial Services that he often associates with a couple who use methamphetamine in his presence. Additionally, immediately after being confronted as to the positive drug tests in September, Mr. Gath has tested negative for illicit substances. Given the confirmed drug tests for methamphetamine, it appears that the defendant has violated the terms and conditions of his pretrial release.